IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR.

O R D E R

Sabir Moahmmed. Versus Smt. Sahnajbano & Anr.

S.B. Criminal Misc. Petition No. 251/2005
against the order dated 27-11-2004 passed
by the Judicial Magistrate No.2, Bhilwara,
in Criminal Misc. Case No. 188/2003.

...

Date of Order: October 05, 2006

PRESENT

HON'BLE MR. JUSTICE H.R. PANWAR

Mr. Anil Kaviraj, for the petitioner.
Mr. Vijay Rajpurohit, for the non-petitioners.

BY THE COURT:

Heard learned counsel for the parties.

By the order impugned dated 27-11-2004, the Judicial Magistrate No.2, Bhilwara (for short, "the trial Court" hereinafter) granted monthly allowance of interim maintenance @ Rs.500/- in favour of non-petitioner No.1 and @ Rs.250/- in favour of non-petitioner No.2 from the date of the application.

It is contended by the learned counsel for the petitioner that the petitioner will pay the monthly allowance of interim maintenance month by month as awarded by the trial Court, however, the learned counsel submits that the petitioner

is unable to pay the arrears of maintenance in a lump-sum and, therefore, seeks to pay the arrears in instalments. Learned counsel for the non-petitioners does not oppose the request and submits that the arrears of maintenance may be paid in twelve instalments.

Having regard to the facts and circumstances of the case, the petitioner shall pay the arrears of monthly allowance of interim maintenance granted in favour of the non-petitioners No.1 and 2 in twelve equal instalments commencing from 01.11.2006 and thereafter by 15th of every succeeding month, the petitioner shall also pay the monthly allowance of interim maintenance payable to the non-petitioners No.1 and 2 by 15th of every month regularly.

With these observations, the criminal miscellaneous petition stands disposed of. The stay petition also stands disposed of.

(H.R. PANWAR), J.

mcs